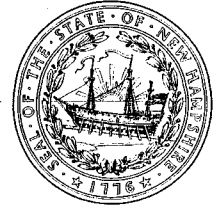




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

LETTER OF DEFICIENCY  
WD WQE 05 - 03  
May 16, 2005

Ron Brown  
289 Mill Street  
Haverhill, Massachusetts 01830

RE: Violations of RSA 485-A:17  
Brown Hill Estates,  
Plaistow, New Hampshire

Dear Mr. Brown:

On May 10, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the Brown Hill Estates subdivision project located in Plaistow, New Hampshire, more specifically identified on Plaistow Tax Map 62 as Lots 40 and 41 ("the Property"). The purpose of this inspection was to determine compliance with RSA 485-A:17 and Env-Ws 415.

Based upon the field inspection, the following deficiencies were documented:

- a. Approximately 10 acres of exposed soils were observed; Per the approved plan, no more than 3 acres were to be exposed at any given time;
- b. Individual building lots had been cleared and stumped. These lots were not included in the approved plan;
- c. Appropriate erosion control measures had not been installed or maintained on the Property;
- d. The disturbed area had not been stabilized;
- d. The level spreader at Station 12 +25 had not been constructed per the approved plan;
- g. The detention basin at Station 18 had not been constructed per the approved plan.

In response, you are requested to take the following action:

1. **Immediately discontinue** all activities on the Property, except as necessary to stabilize exposed soils on the Property pursuant to this LOD;
2. **Immediately stabilize the Property** and install erosion control measures as necessary to

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

protect wetlands and prevent erosion; remove all sediment from existing erosion control structures and from all drainage structures;

3. **Within 10 days of the date of this LOD**, loam, seed and mulch all areas that are at final grade; Mulch all other exposed soils;
4. **Within 10 days of the date of this LOD**, install erosion control blankets to any slopes steeper than 3:1;
5. **Within 20 days of the date of this LOD**, submit to DES updated plans for the Property, including all areas of disturbance, and a request for amendment of the existing permit.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Following completion of the necessary work, please submit a letter to DES certifying that the work requested in this Letter of Deficiency has been completed and provide DES with photographs documenting each stage of the work. Submit your report and photographs to:

Ana Ford Herrero  
Department of Environmental Services  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Ana Herrero at (603) 271-3380.

Sincerely,



Ana Ford Herrero,  
Compliance Specialist  
Land Resources Management Program

Certified Mail RRR # 7099 3400 0002 9774 7145

cc: Gretchen R. Hamel, DES Legal Unit Administrator  
James Martin, DES Public Information Officer  
Plaistow Conservation Commission  
Plaistow Board of Selectmen  
Plaistow Planning Board  
SEC Eng. & Consulting-Via Fax